

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 17, 2003 PLANNING COMMISSION MEETING

P.A.S.: Comprehensive Plan Conformance No. 03009
SW 1st Street Apartments conservation easement

PROPOSAL: Request to find the acquisition of a permanent conservation easement over approximately 0.53 acres of floodplain storage area and tree mass on property generally located northwest of SW 1st and West "B" Streets conforms to the 2025 Comprehensive Plan.

LOCATION: SW 1st and West "B" Streets.

LAND AREA: 0.53 acres, more or less.

CONCLUSION: This conservation easement is a requirement of Special Permit #2029. The proposed easement will protect the floodplain storage area and tree mass and is not an obstacle to any planned action. Acquisition of the conservation easement by the City of Lincoln is in conformance with the Comprehensive Plan and supports several goals of the Plan.

RECOMMENDATION:	In conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

A part of the Remaining Portion of Lot 1, Fairway Addition, located in the SE 1/4 of Section 27-10-6, Lancaster County, Nebraska.

EXISTING ZONING: R-4 Residential

EXISTING LAND USE: Vacant, however, a special permit for a community unit plan is pending.

SURROUNDING LAND USE AND ZONING:

North:	Vacant	R-4 Residential
South:	Vacant	I-1 Industrial
East:	Single- and two-family dwellings	R-4 Residential
West:	Wilderness Park Trail, Salt Creek	R-4 Residential

HISTORY:

Jul 2003 Special Permit #2029 for a community unit plan for 30 dwelling units received conditional approval by the Planning Commission. This conservation easement is one of the conditions that must be fulfilled prior to scheduling the special permit on the City Council agenda.

May 1979 This property was changed from B Two-Family Dwelling to R-4 Residential.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Future Land Use Plan shows this area as Urban Residential, and Green Space is identified along Salt Creek. (F 25)

Green Space: Areas predominantly used for active recreational use, such as parks, golf courses, soccer or ball fields, and trails. Green space areas may be either public or privately owned. While some isolated environmentally sensitive features may be within these areas, they are predominantly for active recreation, with some passive recreation uses also possible. (F 22)

Two **Emerging Regional Planning Issue** identified:

Conservation and protection of environmental and natural systems. (F 4)

Cooperative planning of water resource management. (F 4)

Guiding Principles for the Urban Environment include:

Streams, trees, open space, and other environmentally sensitive features should be preserved within new development as design standards allow. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance. (F 18)

Environmental Resource Features represent an important part of today's urban and rural landscapes. Such features need to be valued and sustained as part of the overall planning process if they are to remain as vital parts of the natural heritage left for succeeding generations. (F 52)

Floodplains: This feature refers to land that is susceptible to flooding or that has flood prone soils. Floodplains provide multiple benefits to both the natural (flood storage, habitat, water quality) and built (recreation, public health and safety, economic) environments. (F 53)

Urban Forest: This feature refers to the trees and other woody plants that have been planted or grow naturally within the limits of the communities in Lancaster County. Though many may not consider the urban forest to be part of the "natural environment," it represents a significant community investment - exemplified in Lincoln being a "Tree City" - with its elimination or neglect having substantially detrimental consequences. (F 54)

Three **Core Resource Imperatives** were selected from the Environmental Resource Features as those that should receive the greatest consideration in the long range planning process. (F 54)

Riparian, Floodplains, and Stream Corridors: Streams and their adjoining corridors snake their way through much of Lancaster County. Throughout the region, surface water runoff flows into these stream corridors that typically consist of floodplains and riparian areas. These are instrumental in providing habitat and water infiltration benefits, along with serving as connectors to natural areas. (F 55)

The purpose of the **Greenprint Challenge** is to assure the long term health and integrity of the ecosystem upon which Lancaster County is superimposed, and to capture the community-wide quality of life and economic benefits that can be derived from the area's environmental resource features. (F 55)

The **Greenprint Challenge: Implementation Strategies** include:

Investigate the possible use of easements (e.g., conservation, preservation, public access, etc.),...to manage land with environmental resource interest. (F 64)

ANALYSIS:

1. The Nebraska Conservation and Preservation Easement Act (NEB. REV. STAT. §§ 76-2,111 to 76-2,118) requires action on the acquisition of conservation easements to be referred to the local planning commission having jurisdiction over the properties for approval prior to the acquisition. The Planning Commission must make a recommendation to the City Council "regarding the conformity of the proposed acquisition to comprehensive planning for the area," (NEB. REV. STAT. §76-2,112). Planning Commission action regarding conformance to the Comprehensive Plan is final. The City Council will then either accept or deny the easement.
2. The purpose of this Comprehensive Plan Conformity report is to determine whether this permanent conservation easement is in conformance with the 2025 Comprehensive Plan.
3. The floodplain storage area and urban forest on this site occupy an area located in the floodplain of and along Salt Creek. The intent of the conservation easement is to preserve these features in their present state, and reduce the impact of future development.
4. The City of Lincoln can accept the conservation easement after the Planning Commission determines the easement conforms to the Comprehensive Plan.
5. Comments are attached from the Public Works & Utilities Department.

Prepared by:

Greg Czaplewski
Planner

Date: September 2, 2003

Applicant: Brian D. Carstens & Associates
Brian Carstens
601 Old Cheney Road, Suite C
Lincoln, NE 68512
434.2424

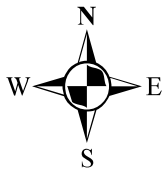
Contact: Same as Applicant.

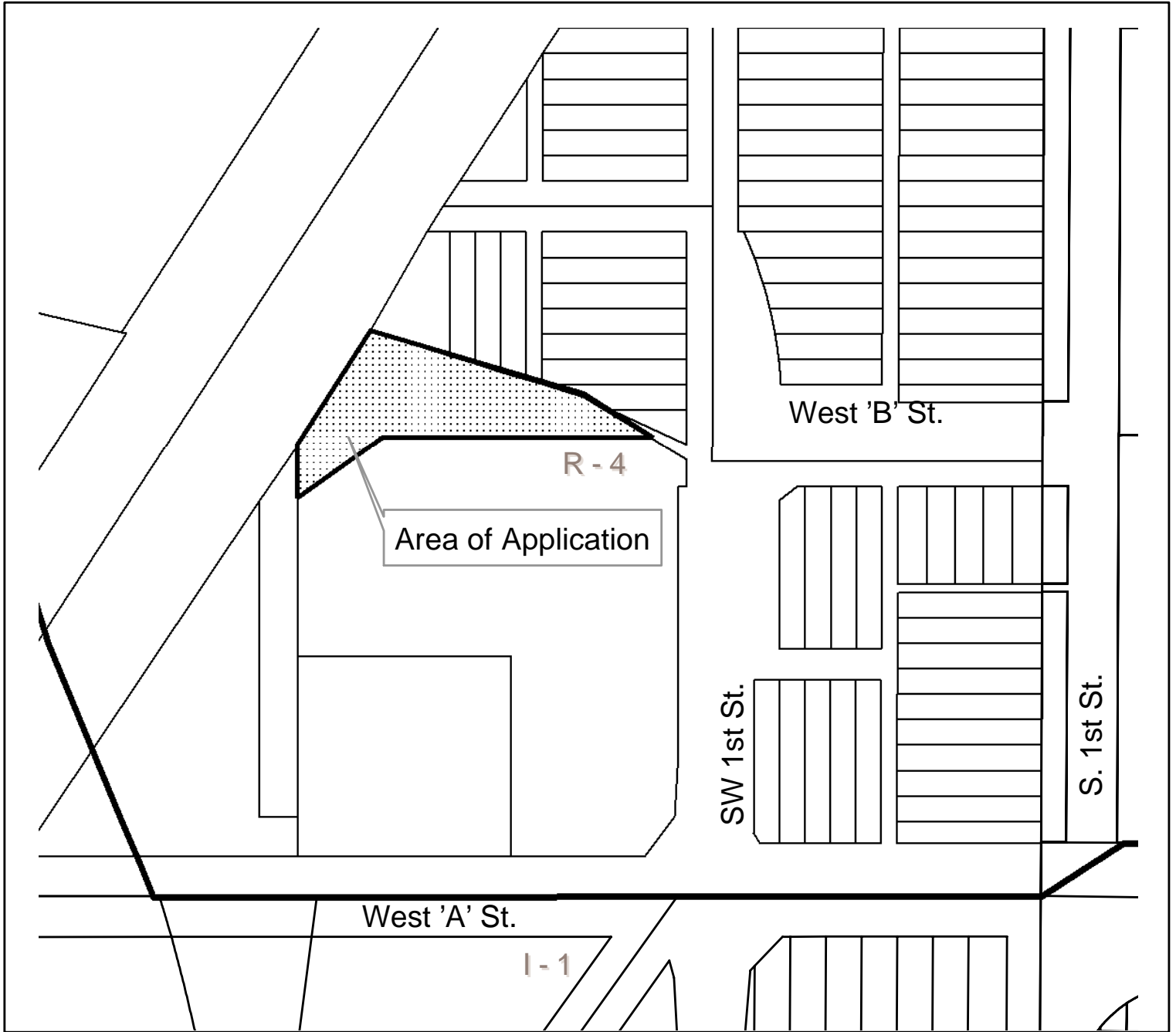
Owner: Doug Schmidt
5005 Bluff Road
Lincoln, NE 68516
325.8868

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Comp. Plan Conformance #03009
West A and SW 1st Street



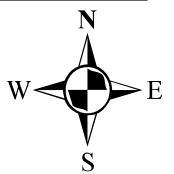
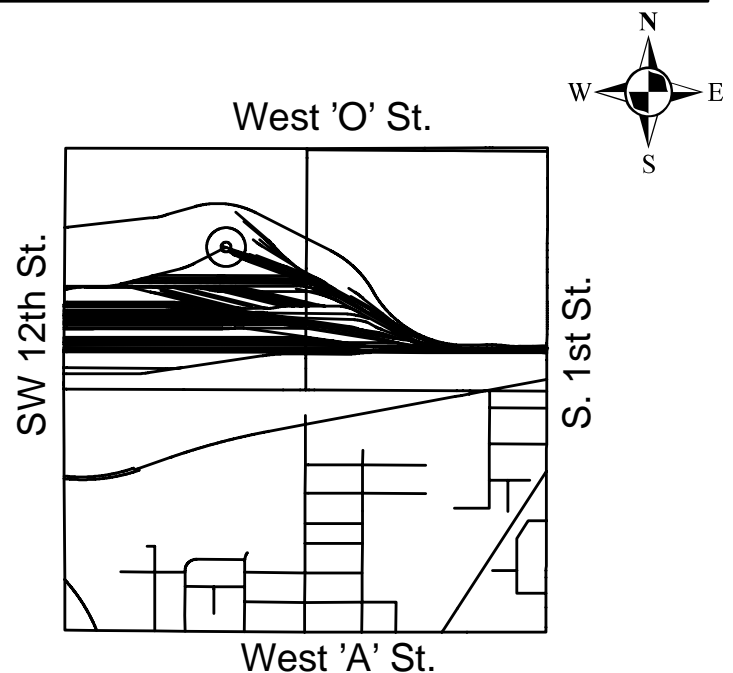
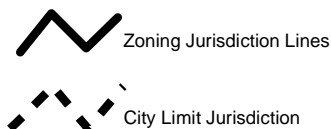


Comp. Plan Conformance #03009 West A and SW 1st Street

Zoning:

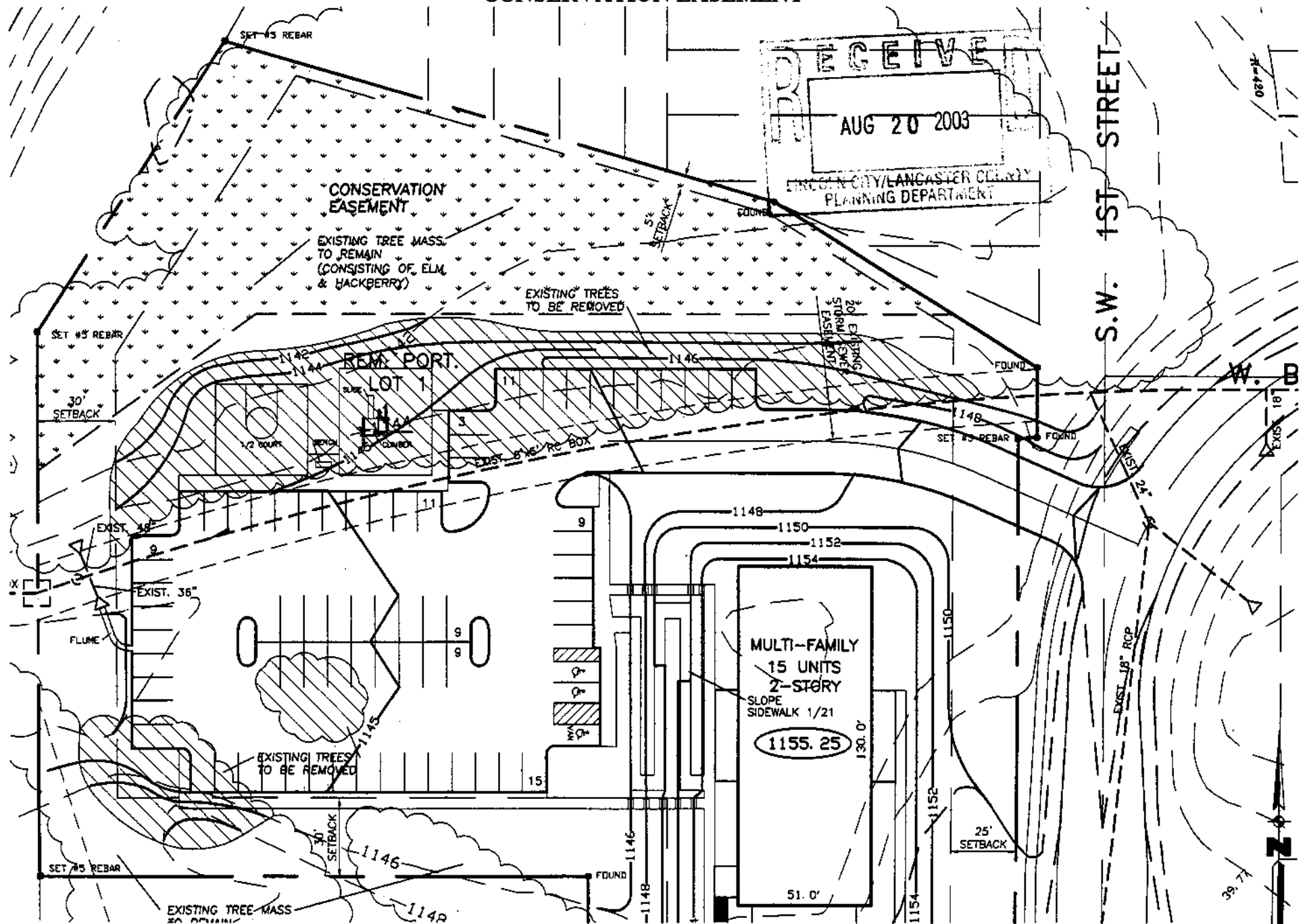
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 27 T10N R6E



S.W. 1ST STREET APARTMENTS

CONSERVATION EASEMENT



SCALE: 1" = 50'

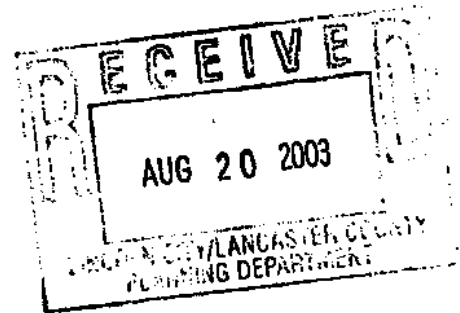


BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

August 19, 2003

Ms. Nichole Fleck-Tooze
Storm Water Management
Public Works & Utilities
555 South 10th Street
Lincoln, NE 68508

PLANNING DEPT.
Greg Czaplowski



RE: S.W. 1ST STREET APARTMENTS
COMMUNITY UNIT PLAN/ SPECIAL PERMIT #2029

Dear Nichole,

As per the Planning Commission conditional approval, we are requesting your assistance in preparing a Conservation Easement for the protection of the existing tree masses and flood plain storage on the northern portion of the site.

K&M Surveying has completed the staking of the conservation easement for the Planning Department to photograph.

Please feel free to contact me if you have any further questions.

Sincerely,

Brian D. Carstens
Brian D. Carstens *BJK*

Enclosures: 5 copies of the Site Exhibit
Legal Description

Rock A Krzycki

09/04/2003 12:05 PM

To: Gregory S Czaplewski/Notes@Notes
cc: Benjamin J Higgins/Notes@Notes
Subject: SW 1st Street Apartments

Greg,

Ben and I have reviewed the plans that were dated, received Aug. 19, 2003 for the SW 1st St. Apartments. We find that the boundry of the conservation easement shown on the plans submitted August 19, 2003, to be acceptable and that it is similar to the outline of the "Existing tree mass to remain" boundary that was indicated on the plans for this area which were received on June 26, 2003.

We would like to see a copy of the language for the conservation easement when it is available, for a brief review of it's functionality.

Thanks!

Rock Krzycki
Public Works and Utilities
Watershed Management